

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TERVES LLC,

Plaintiff

vs.

**YUEYANG AEROSPACE NEW
MATERIALS CO., LTD., et al.**

Defendants.

Case No. 1:19-cv-1611

JUDGE DONALD C. NUGENT

NOTICE TO THE COURT

On July 6, 2021, a request was filed with the United States Patent and Trademark Office (“USPTO”) to open a reexamination of U.S. Pat. 10,329,653 based on prior art not properly examined by the USPTO. On the same day, Ecometal Inc. and Nick Yuan (collectively, the “Defendants”) filed a Motion to Motion to Stay Pending Patent Reexamination [Doc. 100]. Plaintiff Terves filed their opposition to this motion on July 20, 2021 [Doc. 108] arguing *inter alia* that the Defendants’ motion was premature “[b]ecause the USPTO has not yet decided whether to reexamine U.S. Patent No. 10,329,653 (the “’653 patent”),” *Id.* at 1.

The Defendants hereby provide notice to the Court that the USPTO has granted the reexamination request and ordered that the reexamination proceed. *See* Ex. 1 – Order Granting Request For Ex Parle Reexamination. The USPTO “agreed that consideration Xiao raises a SNQ [Significant New Question] as to claims 1-5, 7, 9, 11, 12–16, 18–21, 23–24, 29-32, 37-50, 52-54, 56-62, 64, 66, 67, 69–73 of the '653 Patent. Ex. 1 at 8.

Dated: Aug. 6, 2021

Respectfully submitted,

/s/Martin S. High

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**COUNSEL FOR DEFENDANTS
ECOMETAL INC. AND NICK
YUAN**

CERTIFICATE OF SERVICE

I certify that on Aug. 6, 2021, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

David B. Cupar
Matthew J. Cavanagh
Andrew D. Gordon-Seifert

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/s/Martin S. High
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